REMARKS

The present amendment is in response to the final Official Action mailed January 26, 2005. With the present amendment, Applicant has amended claims 1, 3 and 7-11. Claims 1-3 and 5-11 remain pending.

In the Official Action, the Examiner has rejected claims 1-3, 5-6 and 7-11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,201,948 to Cook ("Cook"). Applicant submits that the presently claimed invention patentably distinguishes over Cook, which does not disclose, teach or suggest the presently claimed invention.

It is respectfully submitted that the Examiner is taking a unduly broad reading of the claimed invention so as to read it on a system like Cook in which GUI content is simply supplied from a server to a client, for example, using JAVA and HTML via the Internet. There is a fundamental difference, however, between the presently claimed invention and Cook. Namely, the presently claimed invention is directed to an editing apparatus that allows an editor to readily create scenes in a particular manner that are subsequently viewed by an end user, whereas Cook provides already created screens to the user (such as a student), without disclosing the specifics of underlying editing methodology used by the programmer or editor to create the scenes.

An example of authoring software that implements the presently claimed invention is shown, for example, in Figure 19 in which authoring software 210 is provided for use by an editor to author or create MHEG compliant scenes using shared scenes as shown, for example, in Figure 16A-F and 17A-D. The various modules and editing capabilities are described in the application, for example, at paragraphs [0289]-[0322].

Thus, with the presently claimed invention, editing tools and modules are provided to solve a problem that exists

with current editing or authoring tools, as described in paragraphs [0267]-[0268], which explain the shortcomings of prior editing work in which the editor would have to have sufficient knowledge of the script language to enable editing work done using shared objects. In particular, such prior authoring or editing tools only had the functionality of turning a shared object on and off simultaneously for all scenes, which made it difficult for the editor to utilize a shared object effectively among various scenes. As explained in paragraph [0269], with the present invention, the editor can carry out editing work by using a shared scene with shared objects and creating a final scene as the result of superposition of shared scenes.

The independent claims have now been amended to clarify the context and operation of the present invention. For instance, claim 1 now specifies an image processing *editing* apparatus for allowing *an editor* to create scenes from shared scenes. The apparatus includes a shared-scene processing module, a shared-scene creation module, a scene creation module, an application creation module and an output control module.

The shared scene processing module is used to define shared scenes, to be used by the editor, which include one or more shared objects common among the scenes in accordance with a predetermined specification. The shared-scene creation module creates the shared scenes.

The scene creation module allows *the editor to select individual and multiple specific shared scenes* to be used for creating the scenes. For instance, in Figure 16C, shared scene 1 is selected to form MHEG scene 1, whereas shared scenes 1 and 2 are used to form MHEG scene 2 in Figure 16D.

An application creation module integrates the results of the editing work carried out by the editor to create control information that is controlled, for example, in accordance with

an internal format.   The control information is based on the specific shared scenes set by the editor via the scene creation module.

Finally, an output control module converts the control information into shared object control information to form the scenes created by the scene creation module based on the shared objects in accordance with the predetermined specification, such as, for example, MHEG.

Applicant submits that the presently claimed invention is not rendered obvious by Cook.   Cook does not even address or provide a solution to the specific shared object authoring problem solved by Applicant's present invention.   Cook, which is directed to a system and method for interactive, adaptive and individualized computer-assisted instruction, provides the end result of supplying to a user a plurality of screens that allows the user of the system to navigate to different portions of the program.   While Cook does contain display screens with objects common to multiple screens, as do most web pages of a website, Cook does not teach or suggest editing apparatus that would allow *the editor to select individual and multiple shared scenes* to create the scenes that can be navigated to using the program of Cook.

In terms of editing, Cook discusses the use of existing programs to allow the designer of the instructional materials to author materials such as computer-assisted exercises including homework or simulations.   (See col. 29, lines 50 - col. 31, line 6.)   For example, Cook states that Macromedia's Authorware and Director and other programs can be used to provide runtime conversion of text, graphics and animation (See col. 30, lines 21-35.)

In sum, Cook is primarily directed to providing the end result of the screens or scenes and does not address the issue of improved editing methods for underlying shared object

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screen creation by the editor. As such, Cook fails to render obvious the claimed invention since there is no teaching, suggestion or motivation by Cook or the other prior art to incorporate Applicant's invention into Cook.
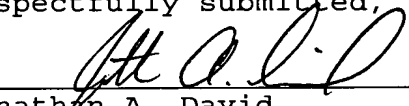
In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 518-6331 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: March 22, 2005

Respectfully submitted,

By_____

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